

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Dennis I. Henderson
Debtor(s)

Bankruptcy Case No.: 17-11222-TPA
Per February 13, 2018 Proceeding
Chapter: 13
Docket No.: 32 - 20
Concil. Conf.: June 5, 2018 at 10:00 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated December 15, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Jun. 5, 2018 at 10:00 AM, in Bankruptcy Courtroom, U.S. Courthouse, 17 South Park Row, Erie, PA 16501.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☐ H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti, Judge
United States Bankruptcy Court

Dated: February 14, 2018

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Dennis I. Henderson
 Debtor

Case No. 17-11222-TPA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1

User: vson
 Form ID: 149

Page 1 of 2
 Total Noticed: 31

Date Rcvd: Feb 14, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 16, 2018.

db +Dennis I. Henderson, 532 East 25th Street, Erie, PA 16503-2062
 cr +Carrington Mortgage Services, LLC, et al., 1600 South Douglass Road, Suite 200-A,
 Anaheim, CA 92806-5948
 14729841 +ADT Security Systems Inc, 1 Town Center Road, Boca Raton, FL 33486-1039
 14729842 +Apogee Medical Group, 232 West 25th Street, Erie, PA 16544-0002
 14743476 +Arrow Financial Services LLC, 5 Great Valley Parkway, Suite 100, Malvern, PA 19355-1426
 14729843 #+Bank Of America, Nc4-105-03-14, Po Box 26012, Greensboro, NC 27420-6012
 14743477 +Blatt, Hasenmiller, Leisker & Moore LLC, 211 Landmark Drive, Suite C-1, PO Box 489,
 Normal, IL 61761-0489
 14729849 ++COLLECTION SERVICE CENTER INC, 363 VANADIUM ROAD, STE 109, PITTSBURGH PA 15243-1477
 (address filed with court: Collection Service Center, 250 Mt Lebanon Boulevard,
 Pittsburgh, PA 15122)
 14729846 +Carrington Mortgage Service. LLC, Po Box 3489, Anaheim, CA 92803-3489
 14729847 +Citibank / Best Buy, Citicorp Credit Services, Po Box 790040, St Louis, MO 63179-0040
 14729848 +Citibank / The Home Depot, Centralized Bankruptcy, Po Box 790040, St Louis, MO 63179-0040
 14729852 +EdFinancial Services, Attn: Bankruptcy Department, 298 North Seven Oaks Drive,
 Knoxville, TN 37922-2369
 14756400 +Edfinancial on behalf of US Dept. of Education, 120 N. Seven Oaks Dr.,
 Knoxville, TN 37922-2359
 14743478 +Erie County Tax Claim Bureau, 140 West 6th Street, Room 110, Erie, PA 16501-1073
 14729855 +MRS BPO LLC, 1930 Olney Avenue, Cherry Hill, NJ 08003-2016
 14729854 +Med Business Bureau, 1460 Renaissance Drive, # 400, Park Ridge, IL 60068-1349
 14729856 ++NORTHWEST SAVINGS BANK, P O BOX 337, WARREN PA 16365-0337
 (address filed with court: Northwest Savings Bank, 100 Liberty Street, Warren, PA 16365)
 14761729 +PNC Bank, NA, 3232 Newmark Drive, Miamisburg, OH 45342-5421
 14729859 +PNC Mortgage, Po Box 8703, Dayton, OH 45401-8703
 14729858 +Penn Credit, Attn: Bankruptcy, Po Box 988, Harrisburg, PA 17108-0988
 14729860 #+Regional Home Health, 2564 Village Common Drive, Erie, PA 16506-7202
 14729861 #+Tate & Kirlin Associates, 2810 Southhampton Road, Philadelphia, PA 19154-1207
 14729862 +Verizon, Bankruptcy Dept, 500 Technology Drive, Suite 550, Saint Charles, MO 63304-2225
 14729863 +Weltman, Weinberg & Reis Co., LPA, 436 Seventh Avenue, Suite 2500,
 Pittsburgh, PA 15219-1842

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14729844 +E-mail/Text: bkmailbayview@bayviewloanservicing.com Feb 15 2018 01:59:12
 Bayview Financial Loan, Attn: Customer Service Dept, 4425 Ponce De Leon Boulevard,
 5th Floor, Miami, FL 33146-1873
 14729845 +E-mail/Text: ECMBKMail@Caliberhomeloans.com Feb 15 2018 01:59:51 Caliber Home Loans, Inc,
 13801 Wireless Way, Oklahoma City, OK 73134-2500
 14729850 +E-mail/PDF: creditonebknotifications@resurgent.com Feb 15 2018 02:07:23 Credit One Bank Na,
 Po Box 98873, Las Vegas, NV 89193-8873
 14729851 +E-mail/Text: bankruptcy.bnc@ditech.com Feb 15 2018 01:57:49 Ditech, Attn: Bankruptcy,
 Po Box 6172, Rapid City, SD 57709-6172
 14729853 +E-mail/Text: bankruptcy@firstenergycorp.com Feb 15 2018 01:58:49 First Energy,
 Revenue Assurance, 1310 Fairmont Avenue, Fairmont, WV 26554-3526
 14743479 +E-mail/PDF: resurgentbknotifications@resurgent.com Feb 15 2018 02:08:16 Lvnv Funding Llc,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14729857 +Fax: 407-737-5634 Feb 15 2018 02:41:16 Ocwen Loan Servicing, LLC,
 Attn: Research/Bankruptcy, 1661 Worthington Road, Suite 100,
 West Palm Bch, FL 33409-6493

TOTAL: 7

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr PNC BANK, NATIONAL ASSOCIATION
 cr THE BANK OF NEW YORK MELLON
 cr THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YO, c/o Stern & Eisenberg, PC,
 1581 Main Street, Suite 200, Warrington

TOTALS: 3, * 0, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
 While the notice was still deliverable, the notice recipient was advised to update its address with the court
 immediately.

District/off: 0315-1

User: vson
Form ID: 149

Page 2 of 2
Total Noticed: 31

Date Rcvd: Feb 14, 2018

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 16, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 14, 2018 at the address(es) listed below:

Christopher M. McMonagle on behalf of Creditor THE BANK OF NEW YORK MELLON
cmcmonagle@sterneisenberg.com, bkecf@sterneisenberg.com
Christopher M. McMonagle on behalf of Creditor THE BANK OF NEW YORK MELLON FKA THE BANK OF
NEW YORK, AS TRUSTEE (CWABS2005-BC1) cmcmonagle@sterneisenberg.com, bkecf@sterneisenberg.com
Daniel P. Foster on behalf of Creditor THE BANK OF NEW YORK MELLON dan@mrdebtbuster.com,
clarissa@mrdebtbuster.com; fosterlaw@ecf.inforuptcy.com; anne@ecf.inforuptcy.com
Daniel P. Foster on behalf of Debtor Dennis I. Henderson dan@mrdebtbuster.com,
clarissa@mrdebtbuster.com; fosterlaw@ecf.inforuptcy.com; anne@ecf.inforuptcy.com
James Warmbrodt on behalf of Creditor PNC BANK, NATIONAL ASSOCIATION bkgroup@kmlawgroup.com
John E Joseph on behalf of Creditor THE BANK OF NEW YORK MELLON jejoseph@mcguirewoods.com
Kevin Scott Frankel on behalf of Creditor Carrington Mortgage Services, LLC, et al.
pabk@logs.com
Kristen D. Little on behalf of Creditor Carrington Mortgage Services, LLC, et al.
pabk@logs.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 10